

Butler, David

From: Butler, David
Sent: Tuesday, October 07, 2014 4:01 PM
To: Marty McNinch
Cc: Brian.Franklin@duke-energy.com; PSC_Clerk's Office Distribution Group; PSC_Directive-Order-Hearing-Distribution-List; timika.shafeek-horton@duke-energy.com; Bateman, Andrew; Hudson, Shannon; Wheat, Jo; Alvarez, Colanthia
Subject: RE: Hearing Examiner Directive - Setting new complainant response date second time - McNinch v. Duke- Docket No. 2014-302-E.doc

Mr. McNinch:

My prior e-mails very clearly stated that I had not heard the evidence and any statement made was with that in mind. In reading e-mails from you, your wife, and the company, it is clear that some sum of money is owed. Ms. McNinch even made reference to owing an undisputed amount raised by Ms. Yarborough in a previous e-mail. I did not indicate that monies owed at this time had anything to do with the Equal Payment Plan, interest or whatever, only that you should discuss a payment plan of some sort with the Company to see if you could come to an agreement. If you feel that I cannot fairly hear your case, please let me know, and I will be glad to recuse myself and turn the matter over to another hearing examiner. We have other hearing examiners available.

Thanks,
David Butler
Hearing Examiner

-----Original Message-----

From: Marty McNinch [<mailto:mmcninch1@gmail.com>]
Sent: Tuesday, October 07, 2014 3:52 PM
To: Butler, David
Cc: Brian.Franklin@duke-energy.com; PSC_Clerk's Office Distribution Group; PSC_Directive-Order-Hearing-Distribution-List; timika.shafeek-horton@duke-energy.com; Bateman, Andrew; Hudson, Shannon; Wheat, Jo; Alvarez, Colanthia
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We have now received Ms. Yarbrough's testimony and exhibits.

After reading briefly over her testimony, there are some calls BEFORE my wife talked to the rep about outstanding balance. I guess some how they get to edit and choose what they want. A classic lawyers move.

It looks like Mr. Butler has already made a ruling without hearing or reading our response to Ms. Yarbrough's testimony. He wrote today that it looks like the main matter is resolving the payment plan. So, in essence, he is saying, "Yes you owe DE, now pay them" BEFORE hearing our side. THAT is a "read between the lines" ruling. That is not justice.

No, the matter at hand is, we got screwed by being put on EPP without knowing it and the bill grew and grew...AND NOW WITH INTEREST. I don't want to be liable for a large bill that accrued without our knowledge. We would have caught it up if we knew and lowered the thermistat.

In my wife's mind, she says that they have already made a decision.

Mr Butler, this is not justice.

Marty

On 10/7/14, Butler, David <David.Butler@psc.sc.gov> wrote:

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P.S. Find out why so many

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<http://www.trafficwave.net/members/autolistbuilder/pricing.html>